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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: 2004 JUN 30 PM 4: 22

Atty Docket Number: 118776-1001 JUN 30 PM 4: 22

Serial No.: 09/327,593

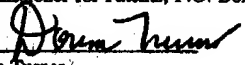
Filed: June 8, 1999

Examiner: S. Rimmel

Art Unit: 2175

For: INTERCHANGEABLE PANEL MODULAR DISPLAY

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2004.   
Donna Turner

**REQUEST FOR REFUND**

Sir:

On August 18, 2003 an Appeal Brief was filed along with a Transmittal of Appeal Brief authorizing the Commissioner to withdraw the Appeal Brief fee of \$160.00 from Deposit Account No. 50-1588. On December 30, 2003 an Office Action was sent by Examiner Sam Rimell in which he withdrew the appeal and issued new grounds of rejection. Applicants contend that where the examiner withdraws an appeal against the wishes of the Applicant, the Appeal Brief fee should be refunded. Such an action by the examiner is not a "change of purpose" within the meaning of 37 C.F.R. 1.26(a).

Respectfully submitted,



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Date: June 25, 2004

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